

LEHI JUSTICE COURT, UTAH COUNTY, UTAH  
**NOTIFICATION OF ENHANCEMENT-CLASS B MISDEMEANOR DUI**

Defendant: \_\_\_\_\_, Case No. \_\_\_\_\_

**ELEMENTS**

41-6a-502(1): A person may not operate or be in actual physical control of a vehicle within this state if the person: (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test; (b) is under the influence of alcohol, any drug or the combination thereof, to degree that renders the person incapable of safely operating a vehicle; or (c) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

**ENHANCEMENT/PENALTIES**

**First Class B Misdemeanor DUI Conviction Within Ten Years** 41-6a-503, 505, 518: The court shall order, at a minimum: (a) a jail sentence of 48 consecutive hours, 48 hours compensatory service, or home confinement through the use of electronic monitoring; (b) a screening and an assessment (if it is found appropriate by the screening); (c) an educational series (unless the court orders substance abuse treatment); (d) a \$1327 fine and surcharge; (e) supervised probation if the defendant has a blood alcohol concentration of .16 or higher; and (f) the installation of an ignition interlock device if the defendant was under the age of 21 when the violation occurred (except for violations involving drugs other than alcohol).

**Second Class B Misdemeanor DUI Conviction Within Ten Years** 41-6a-503, 505, 518: The court shall order, at a minimum: (a) a jail sentence of 240 consecutive hours, 240 hours compensatory service, or home confinement through the use of electronic monitoring; (b) a screening and an assessment (if it is found appropriate by the screening); (c) an educational series (unless the court orders substance abuse treatment); (d) an \$1512 fine and surcharge; and (e) supervised probation.

**Third DUI Conviction Within Ten Years** 41-6a-503, 505: A third DUI conviction within 10 years is a third degree felony. If the court suspends the execution of a prison sentence and places the defendant on probation, the court shall order, at a minimum: (a) a \$2800 fine and surcharge; (b) a jail sentence of 1500 hours; (c) a screening and assessment and substance abuse treatment at a program providing intensive care or inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours; and (d) supervised probation.

Note: 41-6a-509: The Driver License Division shall: (a) suspend for 90 days the operator's license of a person convicted for the first time of DUI; and (b) revoke for one year the license of a person convicted of a second or subsequent DUI.

Note: 41-6a-529: A DUI conviction will result in the defendant being classified as an alcohol-restricted driver for the periods prescribed in this section. It is a class B misdemeanor for an alcohol-restricted driver to operate or be in actual physical control of a motor vehicle in this state with any measurable or detectable amount of alcohol in the person's body.

**Maximum Sentences**

Class B Misdemeanor:	6 months jail	\$1882 fines and surcharges
Third Degree Felony:	5 years prison	\$9275 fines and surcharges

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant